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Paper No. 13

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JUN 24 2003

OFFICE OF PETITIONS

In re Application of
Scott Shyh Guang Yen
Application No. 09/824,175
Filed: March 30, 2001
Attorney Docket No. M-11437 US

ON PETITION

This is a decision on the petition to revive under 37 CFR 1.137(b), filed May 21, 2003.

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of a PCT international application filed on February 7, 2002. However, the US Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the PCT application. A Notice of Abandonment was mailed on May 21, 2003.

In view of the above, this application became abandoned pursuant to 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

- (1) the reply, which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 USC 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request accompanies this decision on petition.

With the instant petition, petitioner has submitted a Revocation and Power of Attorney by assignee Vitria Technology, Inc. However, the Revocation and Power of Attorney does not comply with 37 CFR 3.73(b)(2). The Revocation and Power of Attorney has not established that William McGrath is authorized to act on behalf of the assignee.¹ A copy of the Revocation and Power of Attorney will remain in the file, but it has not been entered. Accordingly, future correspondence concerning this application will be forwarded to the above address of record until such time as proper instructions to the contrary are received.

The application is being forwarded to Technology Center 3600 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.

Cliff Congo

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: Notice Regarding Rescission of Nonpublication Request
(1 page)

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¹ See 37 CFR 3.73(b)(2).